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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,475	05/31/2001	Reto Preisig	SVL920010020US1	1554

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EXAMINER

LE, DEBBIE M

ART UNIT PAPER NUMBER

2177

DATE MAILED: 02/06/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/871,475

Applicant(s)

PREISIG ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Applicants' arguments filed on 11/21/03. Claims 1-32 are pending for examinations.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Davison (US Patent Application No. 2003/0101238 A1).

As per claims 1 and 17, Davison discloses a system for transmitting a data from a database server to a client comprising:

providing middleware (fig. 1, # 102, enabler agent) communicating with the client (fig. 1, # 120) and server (fig. 1, # 112);

the middleware including at least one file (*translates data from a first data model to an second data model using a data mapping function*) (§ 0013, 0088), the file having at least one parameterized database system query language statement (SQL) (fig. 1, *the enabler agent inherent having at least one SQL file (query statement) in order to translate data request from client (fig. 1, # 120) into a SQL format prior to send to*

*(query) the database server (fig. 1, # 112) to obtain the data storage in the database server # 112 in a SQL format (§ 0014, 0047, lines 7-9, 0056);*

in response to a client request for data (sending a request) (fig. 1, data request, ¶ 0059, lines 1-3 ), accessing the file (retrieving); and using the parameterized statement to return data satisfying the request to the client (parameters of the query) (¶ 0067) .

As per claim 2, Davison teaches wherein the database system query language is SQL (fig. 8).

As per claim 3, Davison teaches wherein the data satisfying the request is sent via Hypertext Transfer Protocol (HTTP) (the supplier's HTTP server routes the markup language document to the requestor) (¶ 0074) in Extensible Markup Language (XML) (where the markup language format is XML, the enabler agent converts the structured data formatted data to XML format) (¶ 0075, 0071).

As per claims 4-6, Davison teaches wherein the parameterized statement facilitates a query for data, an update to the database system, an SQL stored procedure call (¶ 0091, 0095-0099).

As per claims 7, 22 and 29 Davison teaches wherein the client request is one of the following: a SOAP request, an HTTP GET request, or an HTTP POST request (HTTP POST command) (¶ 0073).

As per claims 8-10, 19-21, Davison teaches wherein the middleware further comprises: at least one router receiving the client request; and the router including at least one servlet, the servlet replaces at least some parameters in the parameterized statement with corresponding values from the client request to establish a fully qualified

SQL statement, the servlet (enabler agent) sends the SQL statement to the database system for execution thereof (The enabler agent executes a CGI script that extract the query from the incoming URL, and sends the query to the supplier's database) (§ 0073), the enabler agent queries the database using the query identified above) (§ 0067).

As per claim 11, Davison teaches wherein the database system generates a response to the SQL statement and the method further comprises: sending the response to the client (results to users, fig. 1) (§ 0068).

As per claim 12, Davison teaches the act of: converting the response to XML (the data to be converted to an XML) (§ 0071, lines 8-10).

As per claims 13-16, 23-26 and 30-32, Davison teaches wherein the servlet generates documentation and a test page in HTML (a tag browser program, which provides a simple web-based XML and HTML client that can be used to test the operation of the enabler agent), a service description (WSDL file) (referencing the query in the URL by providing the name the file name it is stored in the (queryname)) (§ 0063-0066), Extensible Markup Language Schema data (XSD) (XML) at least partially based on the client request (0056).

As per claim 18, Davison teaches wherein: the middleware receives a client request for data (fig. 1).

As per claims 27 and 28, Davison discloses a system comprising:  
providing a file (translates data from a first data model to an second data model using a data mapping function) (§ 0013, 0088) between the client (fig. 1, # 120) and

database system (fig. 1, # 112), the file having at least one parameterized SQL statement (SQL) (fig. 1, ¶ 0014, 0047, lines 7-9, 0056);

replacing at least some parameters in the parameterized statement with corresponding values from the client request to establish a fully qualified SQL statement; sending the SQL statement to the database system for execution thereof (The enabler agent executes a CGI script that extract the query from the incoming URL, and sends the query to the supplier's database) (¶ 0073), the enabler agent queries the database using the query identified above) (¶ 0067);

at the database system, generating a response to the SQL statement (fig. 3, # 335, server database generates result set);

converting the response to XML if necessary (fig. 3, # 345 "enabler agent converts result set to markup language) (where the markup language format is XML, the enabler agent converts the structured data formatted data to XML format) (¶ 0075, 0071); and

sending the response to the client (fig. 1, arrow from server database → enabler agent, results to users).

### ***Response to Arguments***

Applicant's arguments filed on 11/21/03 have been fully considered but they are not persuasive.

Applicants argued Davison's provisional application of the US Patent Application 2003/0101238 A1 could not be the prior art of the present claims and the examiner has

not been sworn that the provisional applications has supported the relied-upon subject matter.

In response, the examiner submits that since the provisional application must contain all the subject matter of the US Patent Application 2003/0101238 A1 and it is accessible to the public since it is published. Therefore, it is available to every one. Secondary, the examiner has reviewed and this provisional application has supported and can rely as prior art to the present application claims.

Applicants argued that Davision does not include a parameterized SQL query statement in the enabler agent.

In response, the examiner respectfully disagrees. The examiner submits that Davision does teach the parameterized database system query language statement residing in the enabler agent (=middleware) at paragraph 0047 that "The enabler agent 102 works in tandem with a server database 112 to provide data from the server database in a standard, platform independent format". It is inherent that the enabler agent is somehow must contain a SQL file in order to translate data request from client (fig. 1, # 120) into a SQL format and that SQL file is cached in the enabler agent prior to send to (query) the database server (fig. 1, # 112) to obtain the data storage in the database server # 112 in a SQL format and return the results back to the enabler agent before forward the results to the client (¶ 0056). From the above passages, it is clear that a SQL file is stored at the enabler agent. Thus, the enabler agent 102 of Davison does indeed anticipate the claimed language because the enabler agent stored the SQL file (a request data from a client 120) prior to query the server database 112.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

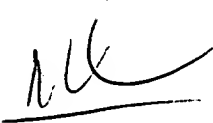
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE  
Examiner  
Art Unit 2177

Debbie Le

Feb. 3, 2004.



GRETA ROBINSON  
PRIMARY EXAMINER